

REMARKS

In the Office Action dated August 28, 2009, claims 1, 2 and 4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 and 2 are rejected under 35 U.S.C. § 103 as being unpatentable over Wright in view of Ohara et al. Claim 4 is rejected under 35 U.S.C. § 103 as being unpatentable over Wright in view of Ohara et al. in further view of Corday et al, or Hall et al. or Smits. With this Amendment, claims 1 and 2 are amended. After entry of this Amendment, claims 1, 2 and 4 are pending in the Application.

Claims 1, 2 and 4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner contends that it is not easily discernible the limitations intended to be encompassed in the phrase “wherein when in the targeted position, the guide wire is partially removed from the guide lumen to a position distal the bypass holes to work with the stroke means to allow for the bypass lumen.” The phrase has been amended to recite “wherein the bypass lumen is formed from the guide lumen into which the guide wire that guides the catheter body to a target position is inserted with the guide wire partially removed from the guide lumen to a position distal the bypass holes, allowing the bypass lumen to work with the stroke means to bypass an occluded area formed by the two balloons.”

With this amendment, supported in Fig. 2 and paragraph [0044] of the specification, Applicants are reciting that the bypass lumen is the guide lumen when the guide wire is partially removed from the guide lumen, as shown in Fig. 2. In Fig. 2, the tip of the guide wire 9 is seen positioned distal the bypass hole 14, thus turning the guide lumen into a bypass lumen to allow blood to bypass the occluded area through 4a and 14. This would not be possible if the guide wire were still inserted all the way into the guide wire.

Applicants respectfully submit that these changes do not change the scope of the claim but simply clarify the claim so that the §112, second paragraph rejection is overcome.

Claims 1 and 2 are rejected under 35 U.S.C. § 103 as being unpatentable over Wright in view of Ohara et al.

Claim 1 is amended to recite that the bypass lumen is formed from the guide lumen into which the guide wire that guides the catheter body to a target position is inserted with the guide wire partially removed from the guide lumen to a position distal the bypass holes, allowing the bypass lumen to work with the stroke means to bypass an occluded area formed by the two balloons. The Examiner states on page 4 of the Office Action that the guide lumen and the bypass lumen are disclosed by Wright to be the same lumen in at least one embodiment, but does not cite which embodiment. Wright actually discloses that “[t]he catheter may also define a passage 70 which communicates proximally of the proximal balloon with the vessel and, through either the central lumen 54 or another lumen 72, or both, distally of the distal balloon . . .” Col. 4, lines 41-46. This is shown in Fig. 4. Wright does not disclose that the bypass lumen and guide lumen are the same. Rather, Wright discloses that the bypass lumen 70 works with another lumen to bypass the flow of blood. Furthermore, Wright does not disclose a bypass lumen formed from the guide lumen by partially removing the guide wire. Ohara also does not disclose these limitations. Therefore, neither Wright nor Ohara teaches, suggests or renders obvious a bypass lumen formed from the guide lumen into which the guide wire that guides the catheter body to a target position is inserted with the guide wire partially removed from the guide lumen to a position distal the bypass holes, allowing the bypass lumen to work with the stroke means to bypass an occluded area formed by the two balloons.

For at least these reasons, Wright in view of Ohara does not teach, suggest or render obvious the device recited in claim 1. Applicant respectfully submits that claim 1 is in condition for allowance, notice of which is requested.

Claims 2 and 4 depend from claim 1 to include all of the limitations therein. For at least this reason, claims 2 and 4 are not taught, suggested or rendered obvious by the cited references. Claims 2 and 4 are also in condition for allowance, notice of which is requested.

In addition to its dependency, claim 2 is also not rendered obvious by the cited combination. Claim 2 is amended to recite balloon lumens that each communicate with insides of one of said two balloons to individually control expansion of said balloons. Each balloon having its own lumen allows for the balloons to be inflated separately and to different diameters to occlude blood vessels with varying sizes without damage. Support for

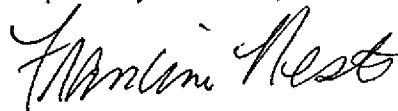
this can be found in the specification, for example, in paragraph [0038] and clearly shown in Fig. 1. Neither Wright nor Ohara teaches, suggests or renders obvious the use of a lumen for each balloon so that the balloons can be inflated to different diameters.

Claim 4 is rejected under 35 U.S.C. §103 as being unpatentable over Wright in view of Ohara et al. in further view of Corday et al, or Hall et al. or Smits. Claim 4 depends from claim 1 to include all of the limitations therein. Corday et al, Hall et al and Smits all fail to teach, suggest or render obvious, alone or in combination, all of the limitations of claim 1. Due to its dependency, claim 4 is also not taught, suggested or rendered obvious by the combinations presented by the Examiner. For this reason at least, Applicant submits that claim 4 is in condition for allowance, notice of which is requested.

It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,



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